

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE
WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF
NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: OMAHA DIST DRO

FILE NUMBER: 200480534

REGULATORY PROJECT MANAGER: MCKEE

PROJECT REVIEW/DETERMINATION COMPLETED: In the office **Y** **N** **Date:**
 At the project site **Y** **Date:** Nov 23 & 24, 04

PROJECT LOCATION INFORMATION:

State: **CO**

County: **Weld**

Center coordinates of site by latitude & longitudinal coordinates: **40 03 06.5909, 104 50 18.6038**

Approximate size of site/property (including uplands & in acres): **1600**

Name of waterway or watershed: **Middle South Platte-Cherry Creek**

SITE CONDITIONS: Rural dry upland around the aquatic site

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands					x				
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									
<u>Irrigation ditches</u>									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			x		
Is or would be used as habitat by other migratory birds that cross state lines?			x		
Is or would be used as habitat for endangered species?					x
Is used to irrigate crops sold in interstate commerce?			x		

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: **Approved** **X** **Preliminary**

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

W-A2, neither adjacent to nor surface connected to a waters of the U.S. (*isolated*); W-A3, isolated stock pond excavated in upland; W-N3, isolated; W-N4 with open water, excavated for gravel and stock watering; W-C3, isolated; W-C5, artificially irrigated; W-C9, isolated; W-C11 (irrigation ditch constructed on dry land); W-12 isolated and down gradient of irrigation ditch W-C11; W-C13, isolated; W-DS3 and W-DS4 with open water, isolated active gravel mining activity; W-DS5, isolated and active gravel mining activity; W-DS6, a ditch that flows to non-jurisdictional irrigation ditch W-DS7; W-DS7, irrigation ditch that terminates in upland; W-DS8, a ditch that flows to W-DS7; W-DS9, adjacent to W-DS7